



Foreclosure Prevention and Homeowner Preservation Project

153-01 Jamaica Avenue, Suite 202
Jamaica, New York 11432
(718) 286-2450
www.legal-aid.org

260 E. 161st Street
Bronx, New York 10451
(646) 991-4758

Via ECF

November 15, 2024

The Honorable LaShann DeArcy Hall
United States District Court
Eastern District of New York
225 Cadman Plaza East
Courtroom 4H North
Brooklyn, New York 11201

Re: *Campbell v. Solar Mosaic, LLC, et al.* (EDNY 24-cv-06208)

Dear Judge DeArcy Hall,

The Legal Aid Society represents Plaintiff Claver Campbell in the above-referenced action. This letter is in response to the November 7, 2024, letter filed by Defendant SUNco Capital, LLC, ATTYX Utah LLC, and ATTYX LLC (“SUNco”), requesting a pre-motion conference concerning their anticipated motion to dismiss the complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and to compel arbitration pursuant to 9 U.S.C. §4 and/or Article 75 of the New York Civil Procedure Law and Rules. (Doc. 26). We also write in response to the Defendants Solar Mosaic LLC and WebBank (“Mosaic”) November 8, 2024, letter regarding their motion to compel arbitration. (Docs. 27 and 28).

We disagree that Ms. Campbell is bound by any arbitration clause as she canceled the first agreement with the Defendants and the formation of the second contract is at issue. Accordingly, any questions regarding any alleged arbitration clause are to be heard by the District Court and not in arbitration. *Republic of Ecuador v. Chevron Corp.*, 638 F.3d 384, 393 (2d Cir. 2011); *Meyer v. Uber Techs., Inc.*, 868 F.3d 66, 74 (2d Cir. 2017); *Padro v. Citibank, N.A.*, No. 14-CV-2986, 2015 WL 1802132, at 4 (*E.D.N.Y. Apr. 20, 2015*).

We welcome the opportunity to discuss this matter at any conference the Court may schedule regarding SUNco’s anticipated motion to dismiss. We also believe the participation of Solar Mosaic and WebBank in any pre-motion conferences the Court may schedule will be beneficial to the progress of the case.

Respectfully,

A handwritten signature in cursive script that reads "Jennifer N. Levy".

Jennifer N. Levy, Esq.